

The Atlanta Journal-Constitution

Barnes toils as attorney for poor

Ex-governor finds spartan conditions at Atlanta Legal Aid

By Jim Galloway

March 13, 2003

Cabbies recognize him strolling in downtown Atlanta and offer free rides. His clients are less sure about the lawyer with the drawl and slight paunch and wonder where they've seen him before. Maybe as the star of a bump-and-sue TV ad.

He has no security, no driver, no secretary. He photocopies his own paperwork and tracks his own phone calls. Most tellingly, his hair -- what's left of it -- shows signs of reverting to the wild, unbarbered state that marked the days before he became governor.

Two months ago, Roy Barnes had at his fingertips all the power of Georgia's government -- lackeys galore, a jet, even the National Guard under the right circumstances.

Today, he's just another lawyer driving from his home in Mableton to downtown Atlanta, spending his days in a cramped, colorless office that has his name laminated on the door. But he's got a big case -- on predatory lending, of course -- and a date in late spring with the state Court of Appeals. "This is going to be great," Barnes said.

The former governor is eight weeks into a six-month stint at Atlanta Legal Aid Society. He eventually will get around to plusher surroundings and billing rates that run to small fortunes. But, for now, he's doing bargain basement legal work for the poor, about a dozen cases. Enough to allow the dogged litigator in him to supplant the wounded politician.

The ex-governor's gotten some rest, including a trip to Hawaii, since his stunning Nov. 5 re-election defeat, and has begun to smile a bit. This month, the first round in a bankruptcy case had him sitting with the judge and a group of creditors -- something he hadn't done since he was a near-rookie lawyer 30 years ago.

"I'm adapting very well. I don't hide my disappointment," Barnes said from behind a well-used desk. "But through my entire life, I have gambled big. I've either won big, or I've lost big."

Mum on successor

It helps that many of the people he now represents don't keep up with the news. Last month, a group of clients was introduced to their new attorney. One elderly woman eyed him. "I know who you are," she finally said. "You're one of those lawyers who advertise on TV."

"Yes, ma'am," Barnes replied. She was correct, essentially. As a candidate for re-election, Barnes spent \$14 million on TV ads last year.

Barnes tells that story himself, proof that he ruminates over his miscues. He said he's figured out a few things he should have done differently, but he mentioned only one. "I probably should have made an issue of the flag. Instead of saying, 'Don't talk about it, maybe it'll die down,' maybe I should have said, 'We don't want to go back to the time of Birmingham,' " said Barnes, whose push to shrink the state flag's large Confederate emblem played a role in his defeat. "We all love the South, but there are parts we don't want to go back to."

He should have gone on television, Barnes said, "to better explain why I did it." Only recently has the ex-governor begun picking up a newspaper again. He won't talk about his successor, Gov. Sonny Perdue, following the unwritten code of ex-governors. But he hints that he misses even the toughest parts of the job he left in January. The explosion of Medicaid expenses is the cause of budget crises in several states, Georgia included. Barnes considers himself an expert in the field. "I had a couple [of] states come to me and ask how much I would charge," he said. "But that's just not my cup of tea." His cup of tea is a one-man campaign to get more lawyers to do a little work, at no charge, for the poor. Atlanta Legal Aid serves families who earn less than \$22,000 a year -- and still turns away one in three would-be clients. "We are required to ensure that the law is simply not the bludgeon of the rich and well-off," Barnes told the Atlanta Bar Association last month.

The largest part of Barnes' fat, battered briefcase is devoted to that predatory lending lawsuit.

Ten elderly or disabled Atlantans have sued Stewart Finance Co., accusing the company and its owner of operating a scam to siphon away their monthly Social Security payments. Stewart Finance is an overseas firm whose owner, John Ben Stewart Jr., is mayor of Union Point in east Georgia.

"It's egregious. There's no other way to describe it," Barnes said. "I'm a capitalist through and through. I believe in making money. Those with slim credit have to pay more. [But] they don't have to pay 55 to 135 percent. This is just taking advantage."

Roy Mallon, an attorney for Stewart Finance, denies that the company has done anything wrong. Mallon said he is not intimidated by the heavyweight representation on the other side. "It's not going to change the facts, and it's not going to change the law," he said. Georgia's predatory law -- as pushed through by Barnes -- was the subject of the first big fight in this year's Legislature. Provisions intended to protect homeowners were relaxed after some lending institutions threatened to stop making home loans in the state.

"I was very proud of the predatory lending bill last year," Barnes said. But, he added, "it's not my place" to speak about what happened last week.

Fulton hearing sought

In his lawsuit, Barnes, the lead attorney for the plaintiffs, is joined by another pro bono attorney, Jeffrey Bramblett, who had directed the case until Barnes' arrival. A third hand is Adrienne Ashby, a Legal Aid lawyer who has lived and breathed the case for two years.

The immediate issue is whether the lawsuit ever will reach a Fulton County courtroom. The plaintiffs signed agreements with Stewart Finance committing them to an arbitration process that must be conducted in Union Point, 78 miles east of downtown Atlanta. Barnes will argue before the Court of Appeals that the arbitration agreement is a shield for fraudulent behavior. The lawyer on the other side might be Norman Underwood -- who ran unsuccessfully for U.S. Senate in 1980 and governor in 1982.

It's the kind of showdown Barnes enjoys. If he wins, the case could still stretch far beyond his six-month commitment to Atlanta Legal Aid.

But Barnes says he'll follow the case to its end. His main worry is whether his clients, many of whom are elderly, will last as long. "That's the trouble," Barnes said. "You get one of these, and you hope nobody dies."